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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

CHOICE HOTELS INTERNATIONAL,
INC.,

Plaintiff,

V.

KUMAR & BIRLA, LLC, a Washington limited liability company; INDERJIT KUMAR, an Individual; REEMA DATT BIRLA, an Individual; and, DEV DUTT BIRLA, an Individual.

Defendants.

No. CV-11-5100-LRS

**ORDER GRANTING
PLAINTIFF'S *EX PARTE*
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER AND/OR AN ORDER TO
SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT BE ENTERED**

**NOTE ON MOTION CALENDAR:
AUGUST 1, 2011**

ORDER GRANTING PLAINTIFF'S *EX PARTE*
APPLICATION FOR A TEMPORARY RESTRAINING
ORDER AND/OR AN ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION SHOULD
NOT BE ENTERED - 1

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1 GOOD CAUSE APPEARING and based upon the facts, authorities, and
 2 evidence presented in and with Plaintiff Choice Hotels International, Inc.'s
 3
 4 Application for Temporary Restraining Order and/or an Order to Show Cause
 5 Why a Preliminary Injunction Should not be Entered, the following orders are
 6 hereby issued:

7 (1) A temporary restraining order pursuant to Rule 65 of the Federal
 8 Rules of Civil Procedure to restrain and enjoin defendants Kumar & Birla,
 9 LLC; Inderjit Kumar, Reema Datt Birla, and Dev Dutt Birla (collectively
 10 "Defendants") as well as each of their agents, servants, employees, attorneys,
 11 and all those in active concert with them from:

12 a) displaying, advertising, marketing, promoting, stating or
 13 suggesting affiliation with, or otherwise using in commerce, or contributing to
 14 the use of in commerce, any of the ECONO LODGE family of marks, as are
 15 defined below, or using or contributing to the use in commerce any goods,
 16 products, or tangible property bearing any of the ECONO LODGE family of
 17 marks;

18 b) Engaging in any activity that misleads or confuses or is likely
 19 to mislead or confuse the public to the detriment of Choice Hotels, including
 20
 21

1 (without limitation) any activity that constitutes a violation of 15 U.S.C.
2

3 § 1125(a)(1);
4

5 c) Engaging in any activity that could or is likely to lead anyone
6 to believe that any product or service has been produced, distributed, offered,
7 advertised, displayed, licensed, sponsored, approved, authorized, or otherwise
8 used in commerce by or for Choice Hotels, when such is not true in fact; and/or ,

9 d) Assisting, aiding, abetting, or contributing to any other
10 person or entity in engaging in or performing any of the activities referred to
11 above.
12

13 [and]

14 (2) An order to show cause hearing, scheduled for August 23, 2011 at
15 2:30 p.m, in the above-captioned court, as to why a preliminary injunction
16 should not be entered to preliminarily enjoin Defendants as well as each of their
17 agents, servants, employees, attorneys, and all those in active concert with them,
18 from:

19 a) displaying, advertising, marketing, promoting, stating or
20 suggesting affiliation with, or otherwise using in commerce, or contributing to
21 the use of in commerce, any of the ECONO LODGE family of marks, as are
22
23

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1 defined below, or using or contributing to the use in commerce any goods,
2 products, or tangible property bearing any of the ECONO LODGE family of
3 marks;

4

5 b) Engaging in any activity that misleads or confuses or is likely
6 to mislead or confuse the public to the detriment of Choice Hotels, including
7 (without limitation) any activity that constitutes a violation of 15 U.S.C.
8

9 § 1125(a)(1);

10 c) Engaging in any activity that could or is likely to lead anyone
11 to believe that any product or service has been produced, distributed, offered,
12 advertised, displayed, licensed, sponsored, approved, authorized, or otherwise
13 used in commerce by or for Choice Hotels, when such is not true in fact; and/or ,
14

15 d) Assisting, aiding, abetting, or contributing to any other
16 person or entity in engaging in or performing any of the activities referred to
17 above.

18 The “ECONO LODGE family of marks,” as the term is used herein, refers
19 to and includes the following:

20 • United States Trademark Registration No. 813,642 (hereinafter,
21 “the ‘642 registration”) for the mark ECONO LODGE;
22

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1 • United States Trademark Registration No. 1,799,814 (hereinafter,
2 “the ‘814 Registration”) for the mark ECONO LODGE + Design;
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4 • United States Trademark Registration No. 2,178,518 (hereinafter,
5 “the ‘518 Registration”) for the mark ECONO LODGE;
6
7 • United States Trademark Registration No. 2,878,530 (hereinafter,
8 “the ‘530 Registration”) for the mark ECONO LODGE INN & SUITES;
9
10 • United States Trademark Registration No. 3,489,688 (hereinafter,
11 “the ‘688 Registration”) for the mark E ECONO LODGE + Design;
12
13 • United States Trademark Registration No. 3,522,065 (hereinafter,
14 “the ‘065 Registration”) for the mark E ECONO LODGE + Design;
15
16 • United States Trademark Registration No. 3,522,067 (hereinafter,
17 “the ‘067 Registration”) for the mark E ECONO LODGE INN & SUITES +
18 Design; and,
19
20 • United States Trademark Registration No. 3,522,199 (hereinafter,
21 “the ‘199 Registration”) for the mark E ECONO LODGE INN & SUITES +
22 Design.
23
24
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1 IT IS SO ORDERED.
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3

4 DATED this 8th day of August, 2011.
5
6

7 *s/Lonny R. Suko*
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9

10 Judge, U.S. District Court for the
11 Eastern District of Washington
12
13

14 Presented by:
15
16 GORDON & REES LLP
17
18

19 /s/ Ryan G. Foltz
20 Ryan G. Foltz, WSBA No. 30696
21 Attorneys for Plaintiffs
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CHI/1070283/10237061v.0
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